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*Attorneys for Intervenor Claimant
Lucas E. Buckley as Trustee of the
Gox Victim Bitcoin Trust*

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Approximately 69,370 Bitcoin (BTC), Bitcoin
Gold (BTG), Bitcoin SV (BSV), and Bitcoin
Cash (BCH) seized from
1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8Hbhx,

Defendant,

Lucas E. Buckley, as Trustee of the
Gox Victim Bitcoin Trust,

Claimant.

Case No. 20-7811 RS

HON. RICHARD SEEBORG
United States District Judge
Courtroom 3

**VERIFIED CLAIM AND
STATEMENT OF INTEREST BY
LUCAS E. BUCKLEY AS
TRUSTEE OF THE GOX
VICTIM BITCOIN TRUST**

Case Filed: November 5, 2020
FAC Filed: November 20, 2020
Trial Date: TBD

VERIFIED NOTICE OF CLAIM AND STATEMENT OF INTEREST

CASE No. 20-7811 RS

NOTICE OF CLAIM

Pursuant to 18 United States Code, sections 983(a)(4)(A) and Rules C(6) and G(5) of the Federal Supplemental Rules for Admiralty or Maritime Claims or Forfeiture Actions, claimant Lucas E. Buckley, Esq. as Trustee of the Gox Victim Bitcoin Trust (“Claimant”) hereby claims an interest in a portion of the defendant funds that are the subject of this forfeiture action brought by the United States of America (the “United States”).

CLAIM

1. The Claimant is Lucas E. Buckley, Esq., as Trustee of the Gox Victim Bitcoin Trust, a Wyoming statutory trust located at 2515 Warren Ave, Suite 500, P.O. Box 1208, Cheyenne, WY 82003.

2. Gox Victim Bitcoin Trust was created with the goals of holding in trust and fighting to uphold the claims of victims of the Mt. Gox bitcoin theft discussed below.

3. The property in which Claimant claims an interest (the “Property”) is approximately 0.01 BTC Bitcoin (“BTC”), Bitcoin Gold (“BTG”), Bitcoin SV (“BSV”), Bitcoin Cash (“BCH”), and future Bitcoin hard forks (collectively the “Bitcoin”) of those Defendant funds that are the subject of this forfeiture action seized from Silk Road wallet number 1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8Hbhx (the “1HQ3 wallet”) and currently in the possession of the United States.

4. The claimed Property is owned by the trust. The claimed Property was purchased for valuable consideration from the original owner who opened an account on Mt. Gox, formerly an online bitcoin exchange, on or before March 1, 2012.

5. On information and belief, between 2011 and 2014, the Mt. Gox Exchange experienced several hacks, which resulted in the systematic theft of approximately 650,000 Bitcoin. Some of the stolen Bitcoin, including the Property, ended up in Silk Road’s wallets. These same Bitcoin were stolen again from Silk Road and transferred to the 1HQ3 wallet as follows: Between May 5, 2012 and April 9, 2013, bitcoin wallets identified in the underlying Complaint for Forfeiture, 1BBqjKsYuLEUE9Y5WzdbzCtYzCiQgHqtPN (the “1BB wallet”) and

VERIFIED NOTICE OF CLAIM AND STATEMENT OF INTEREST

CASE No. 20-7811 RS

1 1BADznNF3W1gi47R65MQs754KB7zTaGuYZ (the “1BAD wallet”), received over 47,599 BTC
2 and 22,813 BTC, respectively, stolen from Silk Road.

3 6. Claimant is informed and believes, based on forensic analysis of the blockchain,
4 that the above two transfers were comprised in large part of the Bitcoin that was stolen from the
5 former Mt. Gox exchange by hackers, including Claimant’s Property. On April 9, 2013, the stolen
6 Bitcoin was transferred from the 1BB and 1BAD wallets to the 1HQ3 wallet.

7 7. Claimant is further informed and believes that the United States took possession of
8 the Property on or about November 3, 2020 by consent and agreement from Individual X.

9 8. Claimant currently owns all of the rights to the claims for approximately 34,754
10 additional bitcoin that were formerly held in accounts on Mt. Gox by victims of the above theft
11 but requires additional information, that is currently not publicly available, to determine which, if
12 any, of those bitcoin may have been seized from the 1HQ3 wallet.

13 9. As a result of the above, because it was the product of theft and Computer Hacking,
14 Claimant believes and alleges that its right and title to the Property is superior to that of both Silk
15 Road and Individual X and that such right and title precedes the commission of the crimes
16 identified in the instant Complaint for Forfeiture in this action.

17 10. Claimant claims an interest in the Property as an innocent “owner,” within the
18 meaning of 18 United States Code section 983(d)(6) and 28 Code of Federal Regulations section
19 9.2, and, in the alternative, under a constructive trust pursuant to California Civil Code sections
20 2223, 2224. *See, U.S. v. \$4,224,958.57*, 392 F.3d 1002 (9th Cir. 2004). Claimant is also a “victim”
21 within the meaning of 28 Code of Federal Regulations section 9.2.

22 11. Claimant contests forfeiture of the Defendant Property, seeks to enjoin the
23 liquidation of the Defendant Property in this action, and seeks the return of the Property (and any
24 other portion of Defendant property that belongs to Claimant for which insufficient information
25 was provided in the Notice of Forfeiture) to Claimant (or, if not, to the trustee for the former
26 exchange known as Mt. Gox, Nobuaki Kobayashi, for return to the victims, including Claimant)
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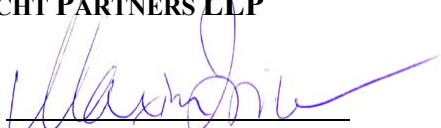
VERIFIED NOTICE OF CLAIM AND STATEMENT OF INTEREST

CASE No. 20-7811 RS

as victim, the rightful owner of such Property, and alternatively the beneficiary of the constructive trust imposed over such Property.

Dated: January 25, 2021

HECHT PARTNERS LLP

By: 
Maxim Price (pro hac vice pending)
Kathryn Lee Boyd (SBN 189496)
David L. Hecht (pro hac vice pending)
Alan Alvela (pro hac vice pending)

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VERIFIED NOTICE OF CLAIM AND STATEMENT OF INTEREST

CASE No. 20-7811 RS

1 **VERIFICATION**

2

3 I, the undersigned, certify and declare that I have read the foregoing Verified Notice
4 of Claim and know its contents. The matters stated in the foregoing document are true of
5 my own knowledge and belief except as to those matters explicitly stated on information
6 and belief, and as to those matters, I believe them to be true.

7 I declare under penalty of perjury under the laws of the United States of America that
8 the foregoing is true and correct to the best of my knowledge. I understand that a false
9 statement or claim may subject a person to prosecution.

10

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Dated: January 25, 2021

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By: 

Lucas E. Buckley, Esq., as Trustee for
the Gox Victim Bitcoin Trust

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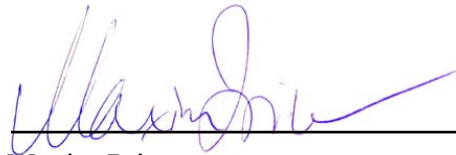
CERTIFICATE OF SERVICE

I, Maxim Price, hereby certify that I have electronically filed the above-captioned **Verified Notice of Claim and Statement of Interest** with the Clerk of the Court using the CM/ECF system, which will automatically send an e-mail notification of such filing to all counsel of record and have also caused a copy of the same to be delivered via mail to the Plaintiff at the following address:

DAVID COUNTRYMAN
Assistant United States Attorney
7450 Golden Gate Avenue,
Box 36055 San Francisco
California 94102-3495

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: January 25, 2021



Maxim Price
HECHT PARTNERS LLP

Attorneys for Intervenor Claimant